

Application No.: 09/919,275

REMARKS

The Office Action of September 14, 2004 has been carefully considered. Reconsideration of this application, as amended, is respectfully requested.

Applicants note that a preliminary amendment, filed December 29, 2003, sought to provide complete details relating to one of the provisional applications from which priority is claimed. The present amendment seeks to place the priority claim paragraph at the appropriate location in the specification, directly following the title. Applicants further request that a subsequent action indicate that the previously-submitted amendment has been entered as no such indication is found in the current Office Action requiring restriction.

Independent claims 5 and 28 have been amended to clarify what was inherent therein, by specifically reciting that the diagnostic engine identifies a subset of diagnoses (causes), from a plurality of diagnoses (causes) stored in the knowledgebase. This modification is consistent with claim 12, dependent from claim 5, which clearly recites a knowledgebase. Moreover, the claim amendments are further supported by the description of the overall architecture of the present invention, beginning at page 14, employing a database and knowledgebase, as well as by claims 1 – 4.

Turning now, to the office action, the Examiner required restriction under 35 USC §121, indicating that distinct inventions were claimed. The Examiner set forth the following inventions:

- I Claims 1 – 4;
- II Claims 5 – 24 and 28;
- III Claims 25 – 27; and
- IV Claims 29 – 30.

Election of Invention II, as described by claims 5 – 24 and 28, is made with traverse.

Applicants respectfully urge that claims 1 – 4 (invention I) are properly examined in conjunction with claims 5 – 24 and 28, as all such claims are directed to the same subcombination, and are not believed to be separately useable as both claim sets now recite the combination of image database and knowledgebase. Claims 5 and 28 have been amended to recite a diagnostic engine to identify a subset of diagnoses

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(causes) from a knowledgebase. Accordingly, Applicants respectfully submit that independent claims 1 and 3, and amended claims 5 and 28, similarly recite systems that require utilizing a knowledge database, and are properly included with invention I. Claims 1 – 24 and 28 all now clearly recite a knowledgebase (and arguably did previously when claim 12 is considered).

Applicants acknowledge that claims 25 – 27 and 29 – 30 are, arguably, directed to alternative applications of the elected invention and have indicated such claims as withdrawn, without prejudice or disclaimer to the subject matter contained therein, in accordance with the restriction requirement.

In view of the foregoing remarks and amendments, Applicants believe claims 1 – 25 and 28 will be examined based upon the election set forth herein. Examination of claims 1 – 24 and 28, and allowance thereof, are earnestly solicited. In the event that additional fees are required as a result of this response, including fees for extensions of time, such fees should be charged to USPTO Deposit Account No. 50-2737 for Basch & Nickerson LLP.

In the event the Examiner considers personal contact advantageous to the timely disposition of this case, he is hereby authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,



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